IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 2599 of 2005

Between:

B. Subramanyam Reddy, S/o. Venkata Reddy,
R/o. Magunta Village, S.R. Puram Mandal,
Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor, Chittoor District,
Andhra Pradesh - 517 001.
2 The Revenue Divisional Officer, Chittoor, Chittoor District,
Andhra Pradesh - 517 001.
3 The Mandal Revenue Officer, S.R. Puram Mandal,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly a Writ of Mandamus declaring the impugned order R.O.C. B/22/2005, dated 31-1-2005 cancelling the assignment of D.K. T. Patta Without affording a reasonable opportunity to the Petitioner and without competence is illegal, arbitrary, against to the principles of natural justice and consequently set aside the said impugned order and allow the petitioner of cultivate the same and pass such other order or orders as this Honourable Court may deem fit and proper in the interests of justice

Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY

Counsel for the Respondents.: GP FOR REVENUE

The Court at the admission stage made the following ORDER:

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ORDER:

Aggrieved by an order dated 31.01.2005 of the third respondent cancelling the assignment of the dry land in Survey No.105/22 situated at Magunta village, S.R. Puram Mandal Chittoor District admeasuring Ac.1.55 cents, in respect of which D.K.T patta was issued to the petitioner on 25.06.2000, the petitioner is before this Court contending *inter alia* that the cancellation was effected without notice or opportunity to him.

It is categorically asserted by the learned Government Pleader for Revenue on the basis of reports, which have been produced for perusal of this Court that the petitioner has been communicated the show cause notice proposing cancellation and it was sought to be served on him through the Gram Panchayat Secretary concerned in proceedings dated 19.01.2005 and that the notice was refused by the petitioner. Proceedings in proof of the refusal of the notices by the petitioner are also stated to have been drawn up and placed in record of the cancellation proceedings.

Be that as it may, as against the cancellation order dated 31.01.2005, the petitioner states that he has preferred an appeal on 18.02.2005 to the second respondent. The said appeal is pending.

In the circumstances, as the petitioner has already preferred the appellate remedy, this Court is not inclined to consider the validity of the cancellation in these proceedings.

The writ petition is accordingly dismissed with liberty to the petitioner to pursue his appellate remedy i.e., the appeal said to have been preferred on 18.02.2005 to the second respondent. This Court granted an order of status quo on 16.02.2005. The order of status quo shall continue for a further period of two weeks from today. The petitioner is at liberty to file an application for interlocutory relief before the appellate authority – second respondent. However, nothing in this judgment nor the interim

order of status quo granted on 16.02.2005, which will continue for a period of two weeks hereafter, shall be construed as an expression by this Court on the merits of the petitioner's claim presented herein. The appellate authority shall consider the appeal on its own merits. No costs.

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Goda Raghuram, J

Date: 22.02.2005

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To

1 The District Collector, Chittoor, Chittoor District,
Andhra Pradesh - 517 001.
2 The Revenue Divisional Officer, Chittoor, Chittoor District,
Andhra Pradesh - 517 001.

3 The Mandal Revenue Officer, S.R. Puram Mandal,
Chittoor District.

4 Two CCs to G.P for Revenue, High Court of A.P., Buildings,
Hyderabad (OUT)

5 Two CD Copies